

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	Case No. 3:19-cv-204
	)	
v.	)	
	)	
LORI GERSHON,	)	
WASHINGTON MUTUAL BANK, FA, now	)	
known as JPMorgan Chase Bank, N.A., and	)	
TOWN OF STAMFORD, CONNECTICUT,	)	
	)	
Defendants.	)	

**COMPLAINT**

Plaintiff United States of America, pursuant to the provisions of 26 U.S.C. §§ 7402 and 7403, with the authorization of a delegate of the Secretary of the Treasury and at the direction of a delegate of the Acting Attorney General of the United States, brings this civil action to enforce federal tax liens on Lori Gershon's interests in a certain parcel of real property. In support of this action, the United States alleges, as follows:

**Jurisdiction, Venue, and Parties**

1. Jurisdiction over this action is conferred upon this Court under 28 U.S.C. §§ 1331, 1340, and 1345, and 26 U.S.C. §§ 7402 and 7403.
2. Defendant Lori Gershon resides in Stamford, Connecticut, which is within the jurisdiction of this Court.
3. Defendant Washington Mutual Bank, FA, now known as JPMorgan Chase Bank, N.A., is named as a defendant in this case because it has, or may claim, an interest in the real property on which the United States seeks to enforce its liens.

4. Defendant Town of Stamford, Connecticut, is named as a defendant in this case because it has, or may claim, an interest in the real property on which the United States seeks to enforce its liens.

### **The Property**

5. The real property that is the subject of this action is located at 49 Fishing Trail, Stamford, Fairfield County, Connecticut (the “Property”), and is legally described, as follows:

ALL THAT CERTAIN tract of land with the buildings and improvements thereon, situated in the City of Stamford, County of Fairfield and State of Connecticut known and designated as lot numbered forty-eight (48) on a certain map entitled, “Section No. 5 Lakewood Park, Incorporated at Stamford, Connecticut”, now on file in the Office of the Town Clerk of said Stamford and numbered seventy three hundred thirty four (7334) reference thereto being had; said lot being bounded:

NORTHERLY: 406.000 feet by land now or formerly of John Harley Winkelman and Sharon R Winkelman;

EASTERLY: 138.646 feet by Fishing Trail;

SOUTHERLY: 60.00 feet;

SOUTHWESTERLY: 375.29 feet by land now or formerly of John L. Cowan; and

EASTERLY: 50.00 feet by land of Stamford Jewish Center, Inc.

TOGETHER with the rights set forth in a declaration of assessment made by Lake Wood Park, Inc. dated September 18, 1964 and recorded in the Land Records of said Stamford in Book, 1027 at page 192.

6. By Quit Claim Deed dated October 23, 2000, Jefaar Limited Partnership, a Connecticut limited partnership, conveyed the Property to Lori Gershon. The Quit Claim Deed was recorded with the Town Clerk for the Town of Stamford, Connecticut on October 30, 2000 at Volume 5622, Page 148.

**Count to Enforce Federal Tax Liens Against the Property**

7. On December 1, 2017, in *United States v. Lori Gershon*., Case No. 3:15-cv-01354-CSH, the Court entered judgment in favor of the United States and against Lori Gershon for unpaid income taxes for tax years 1992-1995, 1998 and 2002 in the amount of \$276,509.77, plus interest and statutory additions from and after September 9, 2015.

8. The judgment referenced in Paragraph 7, above, remains unpaid. Specifically, Lori Gershon remains liable to the United States in the amount of \$303,963.08 as of February 8, 2019. Interest continues to accrue on the judgment.

9. On July 25, 2003, the Internal Revenue Service (“IRS”) filed a Notice of Federal Tax Lien in the name of Lori Gershon for tax years 1992-1995, 1998, and 2002, among others, with the Town Clerk for the Town of Stamford, Connecticut, in accordance with 26 U.S.C. § 6323(f). The Notice of Federal Tax Lien was recorded at Volume 7021, Page 268.

10. The IRS did not timely refile the Notice of Federal Tax Lien described in Paragraph 9, above, and, as such the Notice operated as a Certificate of Release of Federal Tax Lien as of the dates set forth on the Notice.

11. On or about October 8, 2014, pursuant to 26 U.S.C. § 6325(f)(2), the IRS revoked the release of the federal tax liens described in Paragraph 10, above, by mailing notice of the revocation to Lori Gershon, and by filing a Revocation of Certificate of Release of Federal Tax Lien with the Town Clerk for the Town of Stamford, Connecticut, with regard to the Certificate of Release described in Paragraph 10, above, which was recorded on October 8, 2014 at Volume 11102, Page 147.

12. On October 9, 2014, IRS filed a Notice of Federal Tax Lien in the name of Lori Gershon for tax years 1992-1995, 1998, and 2002, with the Town Clerk for the Town of Stamford, Connecticut, which was recorded at Volume 11103, Page 239.

13. The above-referenced federal tax liens attach to all property and rights to property belonging to Lori Gershon, including the Property.

14. On March 12, 2001, the U.S. Attorney's Office for the District of Connecticut filed a Notice of Lien with regard to a restitution judgment entered on December 18, 2000 in *United States v. Gershon*, Case No. 3:00-cr-211-SRU, in favor of the United States, and against Lori Gershon, in the amount of \$41,960.34, with the Town Clerk of Stamford, Connecticut. The notice was recorded at Volume 5712, Page 115.

15. Pursuant to 26 U.S.C. § 7403, the United States is entitled to enforce its federal tax liens upon Lori Gershon's interests in the Property; to have the entire Property sold at a judicial sale free and clear of all rights, titles, claims, liens, and interests of the parties, including any rights of redemption; and to have the proceeds distributed, after the payments of the costs of sale and any real estate taxes due and owing, as permitted by 26 U.S.C. § 6323(b)(6), to the United States or as otherwise determined by the Court.

WHEREFORE, the plaintiff United States of America prays that:

A. The Court enforce the federal tax liens and order the entire Property sold, free and clear of all rights, title, liens, claims, and interests of the parties, including any rights of redemption, and distribute the proceeds, after the payments of the costs of sale and any real estate taxes due and owing under 26 U.S.C. § 6323(b)(6), to the United States of America, or as otherwise determined by the Court;

B. The Court determine that any failure by any defendant other than Defendant Lori Gershon and any government entity holding a lien securing unpaid real property tax under 26 U.S.C. § 6323(b)(6), to timely plead a right, title, claim, or interest in the Property shall result in a default being entered against that party and a default judgment holding that said party has no right, title, claim, lien, or other interest in the Property; and

C. The Court award the United States of America such further relief, including the costs of this action, that the Court deem just and proper.

Respectfully submitted,

RICHARD E. ZUCKERMAN  
Principal Deputy Assistant Attorney General  
U.S. Department of Justice, Tax Division

/s/ Bradley A. Sarnell  
BRADLEY A. SARNELL  
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## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

United States of America

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Bradley A. Sarnell, U.S. Department of Justice  
PO Box 55, Washington, DC 20044  
(202) 307-1038

**DEFENDANTS**

Lori Gershon; Washington Mutual Bank FA, now known as JPMorgan Chase Bank, N.A., and Town of Stamford, Connecticut

County of Residence of First Listed Defendant Fairfield  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input checked="" type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

26 USC 7403

Brief description of cause:

Enforcement of federal tax liens

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_

DOCKET NUMBER \_\_\_\_\_

DATE

02/11/2019

SIGNATURE OF ATTORNEY OF RECORD

/s/Bradley A. Sarnell

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_

AMOUNT \_\_\_\_\_

APPLYING IFP \_\_\_\_\_

JUDGE \_\_\_\_\_

MAG. JUDGE \_\_\_\_\_